IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

MONDAY, THE 25TH JUNE 2007 / 4TH ASHADHA 1929

WP(C).No. 17727 of 2007(I)

OS.3724/2005 of PRL.MUNSIFF COURT,THRISSUR
OS.2252/2005 of II ADDL.M.C.,THRISSUR

.....

PETITIONER:

TESSY, W/O.KONIKKARA KURIAN,
ELAMKULAM VILLAGE, KALOOR DESOM,
KANAYANNUR TALUK, ERNAKULAM DISTRICT.

BY ADV. SRI.JIJO PAUL

RESPONDENTS:

---

1. COCHIN KURIES LTD.,
THRISSUR VILLAGE & TOWN,
THRISSUR TALUK, REPRESENTED BY ITS
CHAIRMAN.

2. K.V.FRANCIS, S/O.KOLANGADAN VARAPPAN,
AYYANTHOLE VILLAGE, DESOM, THRISSUR
DISTRICT, NOW RESIDING AT BANGLORE MISSION
ROAD, BANGALORE.

3. VARAPPAN, S/O.KODANGADAN PRINCHU,
AYYANTHOLE VILLAGE, DESOM, THRISSUR
DISTRICT.

4. DAVIS, S/O.VARAPPAN, AYYANTHOLE
VILLAGE, DESOM, THRISSUR DISTRICT.

5. JOY, S/O.VARAPPAN, AYYANTHOLE VILLAGE,
DESOM, THRISSUR DISTRICT.

6. BABY, S/O.VARAPPAN, AYYANTHOLE VILLAGE,
DESOM, THRISSUR DISTRICT.

7. BABU, S/O.VARAPPAN, AYYANTHOLE VILLAGE,
DESOM, THRISSUR DISTRICT.

R1 BY ADV. SRI.G.SHRIKUMAR
SRI.SREEJITH S.NAIR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 25/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXTS:

EXT.P1: TRUE COPY OF THE PLAINT IN O.S.NO:2252/05 BEFORE THE COURT OF II ADDL. MUNSIFF, THRISSUR

EXT.P2: -DO- IN O.S.NO: 3724/05 OF COURT OF PRINCIPAL MUNSIFF, THRISSUR DT.22.11.2005

EXT.P3: -DO- OF THE PETITION FILED BY THE PETITIONER AS I.A.NO:5029/2007 IN O.S.NO:3724/05 BEFORE THE PRINCIPAL MUNSIFF COURT, THRISSUR DT.4.6.2007

jj /TRUE COPY/

PA.TO JUDGE

M.N.KRISHNAN, J.

WP(C)No. 17727 OF 2007 I

Dated this the 25th June, 2007.

JUDGMENT

This writ petition is filed seeking for a joint trial of O.S.2252/05 and O.S.3724/05. O.S.3724/05 is pending before the Principal Munsiff Court, Thrissur. The writ petitioner has filed a suit O.S.2252/05 to declare that the first respondent will not get the right of the third respondent as per the decree of the Sub Court in O.S.1210/01 or in other words it has to be stated that it is the decree in O.S.1210/91 viz., the purchased right that is sought to be partitioned in O.S.3724/05 whereas a suit is filed to the effect that it will not confer any right and that is pending as O.S.2252/05. Therefore, the decision in O.S.2252/05 will have a direct bearing on the subject matter of O.S.3724/05. Therefore it is desirable that both the cases are tried by one and the same court. I am informed that evidence has begun in O.S.3724/05 and therefore, it is only just and proper to transfer O.S.2252/05 pending before the II Additional Munsiff Court to the Principal Munsiff Court, Thrissur. The learned counsel also would submit that he had been set ex parte in O.S.3724/05. He is permitted to file an application to proceed further after setting aside the ex parte order and

both the suits be tried jointly and disposed of by the learned Principal Munsiff within a time frame of three months from today. The writ petitioner is directed to produce a copy of this judgment before the II Additional Munsiff Court, Thrissur for transfer of that case to the Principal Munsiff Court, Thrissur. Writ petition is disposed of accordingly.

M.N.KRISHNAN
Judge

jj